

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 18 AM 9:20

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ezequiel DELGADO-Lagunas

Defendant.

) Magistrate Case No.

) '08 MJ 1873

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326;

) Deported Alien Found in the

) United States

)

The undersigned complainant, being duly sworn, states:

On or about, **June 12, 2008**, within the Southern District of California, defendant, **Ezequiel DELGADO-Lagunas**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Gregory M. Harrison, U.S. Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **June 2008**.


UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
NAME: DELGADO-Lagunas, Ezequiel**

PROBABLE CAUSE STATEMENT

On Thursday, June 12, 2008, the defendant identified as Ezequiel DELGADO-Lagunas was arrested by the San Diego Police Department for various State violations and booked into county jail. While in the custody of county jail, an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release. On Tuesday, June 17, 2008, at approximately 9:35 a.m. the defendant was referred to the custody of Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks confirming the defendant to be a citizen of Mexico having been previously removed from the United States on at least five occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was ordered removed from the United States by an Immigration Judge on two occasions, the most recent being on or about January 27, 2005 and physically removed to Mexico on February 01, 2005 via the San Ysidro Port of Entry. Record checks further revealed that the defendant was expeditiously removed from the United States on two occasions and issued a reinstatement of removal on one occasion. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Ezequiel DELGADO-Lagunas a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" and elected to answer questions without counsel present. The defendant acknowledged that he is a citizen of Mexico, was removed from the United States on five occasions and had not obtained a waiver in order to re-enter the United States legally. The defendant acknowledged that he has no legal right to enter, be in, or reside in the United States.